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2512	7590	07/28/2009	EXAMINER	
Perman & Green, LLP			WARREN, DAVID S	
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Stratford, CT 06614			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 2, 2009 have been fully considered but they are not persuasive. The Applicant argues that Brenner "does not disclose...that the first type message includes information for 'notes to be played' and that the second type message includes information to 'activate the lights' based on the first type message." As stated in the Final Office Action, the "command" is deemed to be the second type of message. Regardless of any arguments pertaining to defining a first and second type of message, the Examiner maintains that Brenner clearly shows using MIDI data to control notes to be played (a first type of message) and using "commands" to control lights (a second type of message). The commands are associated with instrument definitions (as noted by Applicant). The Applicant also argues that Brenner does not show that "both sound and light are produced from a single command." Instead, the Applicant argues that Brenner shows either producing an audible sound or illuminating lights. The Examiner does not concur. Paragraph [0001] of Brenner clearly teaches "synchronizing" sound and light (also discussed in para. [0025]) and "coordinating" light and sound (paras. [0021] and [0003]).
2. The Applicant argues that Brenner "defines instruments that are then used to show light." The Examiner agrees in part. As interpreted by the Examiner, Brenner

defines instruments that are used to show light and produce audible sounds (e.g., see elements 420, 430).

3. The Examiner questions the Applicant's interpretation of "mapping" (in Applicant's claims). For clarification, the Examiner's interpretation lies in the feature that music (or audio) data is used to control lights. However, this control takes place, is deemed to be some form of "mapping." The Applicant states that the instrument definitions are assigned to each light grouping. Couldn't this "assigned" be interpreted as mapping?

4. As understood by the Examiner, the Brenner invention shows that if, say, a flute instrument is assigned to a light grouping, whenever the flute is played (i.e., a note is played) that an "assigned" light will illuminate. However defined, this ability contains mapping of two types of messages (audio and light) and mapping (sound to light) and the mechanism by which sound is mapped to light is a second type of message.

5. (It is noted that claim 3 depends from a canceled claim).

6. The Applicant argues that, in Brenner, a special musical instrument be created to control the illumination of lights. The Examiner does not concur. In Brenner, one merely needs to assign (i.e., map) an already existing instrument to a light group so that the instrument channel will both play audio and illuminate lights.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID S. WARREN whose telephone number is (571)272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/David S. Warren/
Primary Examiner, Art Unit 2832